

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2005/028526

International filing date (day/month/year)
10.08.2005

Priority date (day/month/year)
10.08.2004

International Patent Classification (IPC) or both national classification and IPC
B29C65/02, B65B51/22, B65B7/16, B65B7/28

Applicant
PENNINGTON, Garrett

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
☐ Box No. II Priority
☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
☐ Box No. IV Lack of unity of invention
☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
☐ Box No. VI Certain documents cited
☐ Box No. VII Certain defects in the international application
☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Written Opinion
2 MONTH REMINDER 1/14/06
1 MONTH REMINDER 2/14/06
2 WEEK REMINDER 2/28/06
3 DAY REMINDER 3/11/06
ACTION DUE AND DATE 3/14/06

Name and mailing address of the ISA:



European Patent Office
D-80298 Munich
Tel. +49 89 2399 - 0 Tx: 523656 epmu d
Fax: +49 89 2399 - 4465

Authorized Officer

Dupuis, J-L

Telephone No. +49 89 2399-2908



Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
 - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ in written format
 - ☐ in computer readable form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in computer readable form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-6,8,13
	No: Claims	1,2,7,9-12,14
Inventive step (IS)	Yes: Claims	
	No: Claims	1-14
Industrial applicability (IA)	Yes: Claims	1-14
	No: Claims	

2. Citations and explanations

see separate sheet

AP3 Rec'd PCT/PTO 21 JUN 2006

Re Item V.

1 Reference is made to the following documents:

D1 : US 6 633 480 B1 (HERZOG KENNETH J) 14 October 2003 (2003-10-14)

2 INDEPENDENT CLAIM 1

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses under the wording "induction foil cap sealing" the following features of claim 1, namely a method of bonding a neck to a plastic container, comprising:

- providing the container with an opening having a first bonding surface,
- providing the neck with an opening having a second bonding surface,
- providing a foil seal between the first bonding surface and the second bonding surface
- induction sealing at least one of the first and second bonding surfaces to the foil seal by using a magnetic field generated by an induction sealing head.

The location of the litz wire coils discloses implicitly also the last feature of claim 1 addressing providing a field influencing object (one litz coil) near the foil seal to influence a portion of the magnetic field generated by the induction sealing head.

3 INDEPENDENT CLAIM 10

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 10 lacks novelty versus D1 in the sense of Article 33(2) PCT for the same reasons.

4 DEPENDENT CLAIMS 2-9, 11-14

Dependent claims 2-9, 11-14 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT).

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/US2005/028526

In respect of claim 3, this is the result of different compositions for the container and the neck portion. In respect of claim 6, reference is made to A citation US-A-3,808,074.

BEST AVAILABLE COPY